

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2010-071048

04/13/2016

HONORABLE KATHLEEN MEAD

CLERK OF THE COURT
D. Berkland
Deputy

IN RE THE MARRIAGE OF
LAVAYE DENT

JEFFREY C MCCOMBS

AND

BENNY L DENT JR.

JOSE ANTONIO SALDIVAR

MINUTE ENTRY

4:06 p.m. This is the time set for Telephonic Status Conference. Petitioner/Mother is present appearing telephonically and is represented by counsel, Jeffrey McCombs, who appears telephonically. Respondent/Father is present appearing telephonically and is represented by counsel, Jose Antonio Saldivar who appears telephonically.

A recording of this proceeding is made by CD (FTR) in lieu of a court reporter.

The Court reviews and summarizes the recent history of the above-captioned matter noting that on April 12, 2016, the Court adopted the agreement reached in mediation as an Order of the Court.

IT IS ORDERED affirming and incorporating herein by reference the parties' *Agreement to Modify Parenting Time – Partial Agreement* that was signed by the parties on March 8, 2016 adopting the parties' partial agreement as an Order of the Court, all in accordance with the *Order Regarding Parenting Time (After Mediation)* signed by the Court on April 12, 2016 and filed (entered) by the clerk on April 13, 2016.

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Counsel for Mother advises the Court that parenting time and international travel is at issue.

Discussion is held.

Based upon the discussion held,

EVIDENTIARY HEARING SET

IT IS ORDERED setting an **Evidentiary Hearing re: Legal Decision Making and Parenting Time** on **July 11, 2016 at 11:00 a.m.** (1 hour allotted) in this Division before:

**The Honorable Kathleen Mead
Maricopa County Superior Court
Northwest Regional Facility
14264 West Tierra Buena Lane
Courtroom 121
Surprise, AZ 85374**

Failure of a party to appear may result in the court allowing the party who does appear to proceed by default. Failure of both parties to appear may result in this action being dismissed.

IT IS FURTHER ORDERED:

1. **Time Allotted.** Pursuant to Rule 77(C)(5), Arizona Rules of Family Law Procedure, each party presumptively will be allowed half of the available time to present all direct, cross and redirect examination and any argument. For each hour of trial time, this court generally allocates 25 minutes to each party. The parties are expected to complete the trial in the allotted time. If a party believes that more trial time is needed, he or she must file a motion at least 30 days before the trial setting forth good cause to enlarge the trial time. Failure to timely file such a motion will be deemed a waiver of any argument that more trial time is needed.

2. **Pretrial Statements.** The parties shall file and provide this Division with a copy of a **Joint Pretrial Statement** or **Separate Pretrial Statements** pursuant to Rule 76, Arizona Rules of Family Law Procedure, no later than 5 days before trial.

The Pretrial Statement shall include:

- a. All information required by Rule 76.

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b. A description of each disputed issue the court must decide, and a statement of each party's position on that issue. Absent good cause shown, failure to list an issue in the Pretrial Statement will be deemed a waiver of that issue.

c. If there are disputed custody or parenting time issues, a specific proposal for custody and parenting time.

d. If there are disputed child support issues, a current Parent's Worksheet for Child Support Amount completed by each party.

e. A list of witnesses to be called at the hearing. Absent good cause shown, failure to list a witness will result in that witness being excluded.

f. A list of exhibits to be used at the hearing. Absent good cause shown, failure to list an exhibit will result in that exhibit being excluded.

g. A list of objections to the other party's exhibits. Any objection not listed in the Pretrial Statement will be deemed waived.

3. **Exhibits.** No less than **FIVE (5)** business days prior to hearing, the parties and, if represented, counsel shall exchange and provide TO THE CLERK OF THIS DIVISION **any exhibits they shall seek to admit into evidence.** All exhibits must be clearly identified, **SEPARATED BY A COLORED sheet AND hand delivered to this Division NO LATER THAN FIVE (5) BUSINESS DAYS prior to hearing. All exhibits shall be hand-delivered directly to court staff at this Division's suite.** No hearing exhibits shall be presented for marking that have not been previously exchanged. No duplicate exhibits shall be presented for marking.

Exhibits not provided to the Division five (5) days prior to the hearing may not be marked by the Clerk of Court. Additional time required to mark exhibits during the proceeding shall be deducted from the time allotted to the party requesting same.

DO NOT FILE EXHIBITS WITH THE CLERK OF COURT

NOTE: We do NOT hold spots for supplemental exhibits.

This Division **does not** require the parties to provide a bench copy on the date of hearing.

If US mail is used to provide the exhibits, enough time should be taken to ensure that the Court and the opposing party receive the exhibits no later than 5 days before trial.

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4. **Settlement.** Counsel and the parties are reminded of their obligation to give prompt notice of any settlement to the court as required by Rule 70, Arizona Rules of Family Law Procedure. If the parties reach a full settlement before trial, the court will vacate the trial only if (1) it receives a Notice of Settlement pursuant to Rule 70, Arizona Rules of Family Law Procedure, or (2) both parties inform the court of the settlement in an on-the-record telephonic conference. Oral notification to court staff or voicemail messages left with the court are insufficient. If the parties desire to place agreements on the record, they should contact this Division to schedule a telephonic conference.

5. **Continuances.** Motions to continue the trial filed more than 30 days before trial will not be granted absent a showing of good cause. Motions to continue the trial filed less than 30 days before trial will not be granted absent a showing of extraordinary circumstances.

6. **Disclosure and Discovery.**

a. Both parties shall complete all disclosure required by Rules 49, 50 and 91, Arizona Rules of Family Law Procedure, including an exchange of all relevant information, documents and exhibits at least 30 days prior to trial.

b. All depositions and discovery contemplated by Rules 49 through 65, Arizona

Rules of Family Law Procedure shall be completed 15 days before trial.

7. **Trial Record.** Local Rule 2.22 now requires that any party desiring a court reporter for any proceeding in which a court reporter is not mandated by Arizona Supreme Court Rule 30, must submit a written request to the assigned judicial officer and, if approved, a fee must be paid. In order to provide the parties with this information, please insert in your hearing setting, conference setting and trial setting minute entry the following:

NOTE: All court proceedings are recorded by audio and video method and not by a court reporter. Pursuant to Local Rule 2.22, if a party desires a court reporter for any proceeding in which a court reporter is not mandated by Arizona Supreme Court Rule 30, the party must submit a written request to the assigned judicial officer at least ten (10) judicial days in advance of the hearing, and must pay the authorized fee to the Clerk of the Court at least two (2) judicial days before the proceeding. The fee is \$140 for a half-day and \$280 for a full day.

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NOTICE

You may request conclusions of fact and law on the following issues, if they are contested: the issues of child custody, relocation requests, spousal maintenance, community property, community debt, and child support. To request conclusions of fact and law, you must file a written request with the court before the trial or the evidentiary hearing. If you make a written request before the trial or evidentiary hearing, the court will make conclusions of fact and law as part of the final decision.

If any party asks the court to make findings of fact and law on any issue, each party must file written proposed findings of fact and law on those issues. The proposed findings also must be submitted in an electronic form that is editable, preferably Microsoft Word. The proposed findings must be submitted with the Pretrial Statement.

4:12 p.m. Matter concludes.

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov>.